

**SUPREME COURT MINUTES
THURSDAY, JANUARY 3, 2013
SAN FRANCISCO, CALIFORNIA**

S206143 D059574 Fourth Appellate District, Div. 1 **TAYLOR (WILLIAM) ON
H.C.**

Petition for review granted

The petition for review is granted.

The issue to be briefed and argued on review is as follows: Does the residency restriction of Penal Code section 3003.5, subdivision (b), when enforced as a mandatory parole condition against registered sex offenders paroled to San Diego County, constitute an unreasonable statutory parole condition that infringes on their constitutional rights? (See *In re E.J.* (2010) 47 Cal.4th 1258, 1282, fn. 10.)

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S206365 B227606 Second Appellate District, Div. 6 **PEOPLE v. GUTIERREZ
(LUIS ANGEL)**

Petition for review granted; issues limited

The petition for review is granted. The issue to be briefed and argued is limited to the following: Does the sentence of life without parole imposed on this juvenile offender under Penal Code section 190.5, subdivision (b), violate the Eighth Amendment under *Miller v. Alabama* (2012) __ U.S. __ (132 S.Ct. 2455)?

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S206771 A133032 First Appellate District, Div. 5 **PEOPLE v. MOFFETT
(ANDREW LAWRENCE)**

Petition for review granted

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S206953 B238635 Second Appellate District, Div. 5 **IN RE MARICELA H.**

Petition for review granted

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S206774 B236743 Second Appellate District, Div. 1 **IN RE SCOTT H.**

Review granted on the court's own motion; transferred to Court of Appeal, Second Appellate District, Division One

Review is ordered on the court's own motion. The matter is transferred to Division One of the Second District Court of Appeal with directions to vacate its decision and reconsider the cause in light of article I, section 28 of the California Constitution (as amended by Proposition 9, the Victim's Bill of Rights Act of 2008, known as "Marsy's Law") and *People v. Runyan* (2012) 54 Cal.4th 849, 858-859. (Cal. Rules of Court, rule 8.528(d).)

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegar, Chin, Corrigan, and Liu, JJ.

S206820 D060817 Fourth Appellate District, Div. 1 **VILLA (ROBERT) ON H.C.**

Review granted on the court's own motion; transferred to Court of Appeal, Fourth Appellate District, Division One

Review is ordered on the court's own motion and the matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision filed September 27, 2012 and to reconsider the cause in light of *In re Cabrera* (2012) 55 Cal.4th 683.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegar, Chin, Corrigan, and Liu, JJ.

S156846**ROYBAL (RUDOLPH JOSE)
ON H.C.**

Petition for writ of habeas corpus denied (AA)

The "Petition for Writ of Habeas Corpus" filed October 1, 2007, is denied. Claim 19 is denied as premature without prejudice to petitioner's filing a renewed petition after any execution date is set. (*People v. Lawley* (2002) 27 Cal.4th 102, 169, fn. 25.) All remaining claims are denied on the merits.

Additionally, claims 4, 6, 7, 8, and 9 are denied on the ground that they could have been, but were not, raised on appeal. (*In re Dixon* (1953) 41 Cal.2d 756, 759.)

S205704 B231831 Second Appellate District, Div. 4**PEOPLE v. RAMOS
(GUADALUPE MOLINA)**

Petitions for review denied

S205819 B224221 Second Appellate District, Div. 8**McNETT (BRIAN) v.
NETWORK MANAGEMENT
GROUP, INC.**

Petition for review & publication request(s) denied

S205852 D059930 Fourth Appellate District, Div. 1 **PEOPLE v. NELSON (VERA)**
Petition for review denied

S205975 B231422/B234019 Second Appellate District, Div. 7 **PEOPLE v. ORTEGA
(EDWARD)**
Petitions for review denied

S205980 B238012 Second Appellate District, Div. 3 **PEOPLE v. PENALOZA
(MANUEL)**
Petition for review denied

S206033 C065837 Third Appellate District **PEOPLE v. SHEPHERD
(SHAWN CHRISTOPHER)**
Petitions for review denied

S206172 D059505 Fourth Appellate District, Div. 1 **PEOPLE v. PAGAN (RYAN
CHRISTOPHER)**
Appellant Martinez's petition for review is denied. Appellant Pagan's petition for review is denied without prejudice to any relief to which he may be entitled after this court decides *People v. Beltran*, S192644.

S206182 B230181 Second Appellate District, Div. 5 **PEOPLE v. ORTIZ (EFRAIN)**
Petition for review denied

S206196 H037334 Sixth Appellate District **McKENZIE BUILDERS, INC.
v. S.C. (EAST WEST BANK)**
Petition for review denied

S206198 B233578 Second Appellate District, Div. 1 **PEOPLE v. ZARATE
(MANUEL)**
Petition for review denied

S206202 B243767 Second Appellate District, Div. 6 **AMGEN USA, INC. v. S.C.
(HANKS)**
Petition for review denied

S206207 B231752 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. SIMMONS
(MICHAEL DARRIEN)**

S206248 B233207 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. GARCIA (DANNY
EMILIO)**

S206250 A130086 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. SUNKETT
(GLENN SAMUEL)**

S206269 D058618 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. SANDOVAL
(SALVADOR)**

S206281 C067329 Third Appellate District

Petition for review denied

**PEOPLE v. TASKER
(WILLIAM JAMES)**

S206285 B230494 Second Appellate District, Div. 3

Petitions for review denied

**PEOPLE v. VILLEDA
(ALLAN)**

S206288 H037135 Sixth Appellate District

Petition for review denied

**PEOPLE v. CAMPA (MARIO
VELASQUEZ)**

S206297 A136749 First Appellate District, Div. 5

Petition for review denied

**TOSHIBA CORPORATION v.
S.C. (STATE OF
CALIFORNIA)**

S206298	B235707 Second Appellate District, Div. 6	PEOPLE v. JESCHKE (PETER AIBOR)
Petition for review denied		
S206303	B232101 Second Appellate District, Div. 1	PEOPLE v. DUENAS (JULIO)
Petition for review denied		
S206304	A133505 First Appellate District, Div. 2	EMMA COURT LP v. UNITED AMERICAN BANK
Petition for review denied		
S206310	H036629 Sixth Appellate District	COUNCIL OF SAN BENITO COUNTY GOVERNMENTS v. HOLLISTER INN, INC.
Petition for review denied		
S206317	B236391 Second Appellate District, Div. 4	PEOPLE v. CARRASCO (MANUEL JESUS)
Petition for review denied		
S206328	A130398 First Appellate District, Div. 1	PEOPLE v. QAHHAZ (WAEEL R.)
Petition for review denied		
S206332	G045856 Fourth Appellate District, Div. 3	FINK (DAVID) v. SHEMTOV (MOSES)
Petition for review denied		
S206333	D060131 Fourth Appellate District, Div. 1	PEOPLE v. LEMEURE (STEVEN EUGENE)
Petitions for review denied		

S206342 A130482 First Appellate District, Div. 2

Petition for review & publication request(s) denied
The request for judicial notice is denied.

**SANOCHKINA (TATIANA) v.
YUEN (RICHARD)**

S206362 B235793 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. TERAN (MARTIN
MANUEL)**

S206366 C068803 Third Appellate District

Petition for review denied

IN RE R.F.

S206381 D059407 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. WALKER
(JOEVON)**

S206389 A136629 First Appellate District, Div. 5

Petition for review denied

**HILL (MARION K.) v.
RHODES (JESSE W.)/
(DECKER BULLOCK
REALTY, INC.)**

S206394 B233062 Second Appellate District, Div. 7

Petitions for review denied

PEOPLE v. IBARRA (JOVAN)

S206398 B231350 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. BYRD (ERIC
DAVEON)**

S206401 F062175 Fifth Appellate District

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Bryant*, S196365.

**PEOPLE v. BONILLA (JULIO
CESAR)**

S206403 E052599 Fourth Appellate District, Div. 2

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

**PEOPLE v. MORENO
(HUMBERTO ORTEGA)**

S206411 B232788 Second Appellate District, Div. 5

Petition for review denied

**BROWN (KAREN) v.
CORTEZ (CORDIE)**

S206414 B229004 Second Appellate District, Div. 1

Petition for review denied

**HOLLANDER (GAIL) v. XL
LONDON MARKET LTD.**

S206417 B228848 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. LOPEZ (YVETTE
MARIE)**

S206421 C067040 Third Appellate District

Petitions for review denied

**PEOPLE v. PEREZ (JOSE
JESUS)**

S206435 F062299 Fifth Appellate District

Petition for review denied

**PEOPLE v. VALVERDE
(ALEJANDRO)**

S206456 G045866 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. VEGA, JR.,
(ANTHONY MICHAEL)**

S206457 A131946 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. LIVINGSTON
(KERRI)**

S206469 D061112 Fourth Appellate District, Div. 1

Petition for review denied

GRAJEDA, JR., (TOMAS GRANDE) ON H.C.

S206477 B239121 Second Appellate District, Div. 6

Petition for review denied

KELMAR (CHERYL) v. CORSTORPHINE (KEVIN JAMES)

S206497 G045434 Fourth Appellate District, Div. 3

Petition for review denied

PEOPLE v. RAMIREZ (MAURO)

S206530 F063177 Fifth Appellate District

Petition for review denied

PEOPLE v. LOYA (JOSE SALUD)

S206543 E057324 Fourth Appellate District, Div. 2

Petition for review denied

WATSON (AARON) ON H.C.

S206550 C065565 Third Appellate District

Petition for review denied

PEOPLE v. RODRIGUEZ (JONATHAN MICHAEL)

S206573 B244299 Second Appellate District, Div. 8

Petition for review denied

VALRIE, JR., (CALVIN L.) v. S.C. (PEOPLE)

S206577 B230807 Second Appellate District, Div. 1

Petition for review denied

HOLLANDER (GAIL) v. XL INSURANCE (BERMUDA) LTD.

S206596 G045878 Fourth Appellate District, Div. 3

Petition for review denied
The request for judicial notice is granted.

**CITIZENS ASSOCIATION OF
SUNSET BEACH v. ORANGE
COUNTY LOCAL AGENCY
FORMATION COMMISSION**

S206601 F062803 Fifth Appellate District

Petition for review denied

**PEOPLE v. HOLDER
(ANDREW JACKSON)**

S206610 B230587 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. FREEMAN
(DARIN)**

S206614 C069950 Third Appellate District

Petition for review denied

**PEOPLE v. SEARS (DAVID
FRANK)**

S206625 G045361 Fourth Appellate District, Div. 3

Petition for review denied

**YESKIN (DAVID) v. PACIFIC
MERCANTILE BANK**

S206636 A133894 First Appellate District, Div. 4

Petition for review denied

**JAMES (JAMES W.) v.
BAYWALK HOMEOWNERS
ASSOCIATION**

S206642 C069793 Third Appellate District

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Vargas*, S203744.

**PEOPLE v. SILVA
(MARCELINO)**

S206649 A131100 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. POWELL (TROY
LEE)**

S206652 C069485 Third Appellate District

Petition for review denied

**PEOPLE v. WILSON (JAKARI
LAFEYETTE)**

S206688 E054438 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. KING (REGGIE
EUGENE)**

S206692 G045281/G045427/G045539

Fourth Appellate District, Div. 3
Petitions for review denied

PEOPLE v. SOTELO (OSCAR)

S206694 A131551 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. WILSON
(PATRICK)**

S206703 G045154 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. LE (MATHEW
NAM SON)**

S206707 B236019 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. RODRIGUEZ
(VALENTINO)**

S206709 E057316 Fourth Appellate District, Div. 2
Petition for review denied

SOLAN (MAHADI) ON H.C.

S206710 F062689 Fifth Appellate District

Petition for review denied

**PEOPLE v. PHILLIPS
(KENYATTA DEVAIL)**

S206716 A136957 First Appellate District, Div. 2

Petition for review denied

**COOPER, JR., (GREGORY) v.
S.C. (PEOPLE)**

S206718**JOHNSON (TYRONE D.) v.
S.C. (PEOPLE)**

Petition for writ of mandate/prohibition denied

S206719 F061696 Fifth Appellate District**PEOPLE v. QUINTERO
(ANDREW JACOB)**

Petition for review denied

S206724**PEOPLE v. VASQUEZ
(JESSE)**

Petition for review denied

S206725 E053004 Fourth Appellate District, Div. 2**PEOPLE v. PACE
(ANTHONY)**

Petition for review denied

S206729 C072385 Third Appellate District**JONES (WILLIE RAY) ON
H.C.**

Petition for review denied

S206733 F062765 Fifth Appellate District**PEOPLE v. ROESING
(WILLIAM HAMPTON)**

Petition for review denied

S206735 A131248 First Appellate District, Div. 1**PEOPLE v. FINTA (STEPHEN
CHASE)**

Petition for review denied

S206736 C069615 Third Appellate District**PEOPLE v. ABRARIA
(GREGORY RALPH)**

Petition for review denied

S206737 D058699 Fourth Appellate District, Div. 1**PEOPLE v. EWING (ANTON
ALERIC)**

Petition for review denied

S206740 D060092 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. STARKS
(MARSHALL KEITH)**

S206742 A128944/A128945/A130838/A131615
First Appellate District, Div. 1

Petition for review denied

**PIER 39 LIMITED
PARTNERSHIP v. FLAGS &
THINGS ENTERPRISES, INC.**

S206743 A133098 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. DELA CALZADA
(JOVENCIO)**

S206747 B228751 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. HERNANDEZ
(SETH)**

S206755 C066531 Third Appellate District

Petition for review denied

**CALIFORNIA DEPARTMENT
OF HUMAN RESOURCES v.
SERVICE EMPLOYEES
INTERNATIONAL UNION,
LOCAL 1000**

S206759 F062476 Fifth Appellate District

Petition for review denied

**PEOPLE v. BALTAZAR
(SURGIO VALENCIA)**

S206763 E054717 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. LUCAS
(ANTHONY WAYNE)**

S206767 B236197 Second Appellate District, Div. 4

Petition for review denied

**OSTERHOUT (KRISTIN) v.
REGAL INN**

S206768 B238929 Second Appellate District, Div. 5
Petition for review denied

IN RE RENE M.

S206777 E055736 Fourth Appellate District, Div. 2
Petition for review denied

IN RE G.L.

S206778 B231420 Second Appellate District, Div. 4
Petition for review denied

**PEOPLE v. YOUNG (TODD
ALAN)**

S206779 A137004 First Appellate District, Div. 3
Petition for review denied

**DELA CALZADA
(JOVENCIO) ON H.C.**

S206783 A134692 First Appellate District, Div. 2
Petition for review denied

**PEOPLE v. DUKE (MICHAEL
ANTHONY)**

S206784 D060255 Fourth Appellate District, Div. 1
Petition for review denied

**KASCH (JOHN E.), ESTATE
OF**

S206789 A134872 First Appellate District, Div. 2
Petition for review denied

**PEOPLE v. ALVAREZ-
TINOCO (PONCIANO)**

S206791 E053843 Fourth Appellate District, Div. 2
Petition for review denied

**PEOPLE v. GUZMAN, JR.,
(RODOLFO)**

S206794 H038710 Sixth Appellate District
Petition for review denied

**MUSZYNSKI (MARK S.) ON
H.C.**

S206797	B241189 Second Appellate District, Div. 1	CHILDREN & FAMILY SERVICES v. M.W.
Petition for review denied		
S206799	B239376 Second Appellate District, Div. 2	PEOPLE v. LEWIS (CLEOFAS)
Petition for review denied		
S206805	A132202 First Appellate District, Div. 5	RUIZ (MICHAEL) v. SAFEWAY, INC.
Petition for review denied		
S206809	E052861 Fourth Appellate District, Div. 2	PEOPLE v. GONZALEZ (JEREMIAS ZABALA)
Petition for review denied		
S206811	E053555 Fourth Appellate District, Div. 2	PEOPLE v. WIGGINS (STEVEN EDWARD)
Petition for review denied		
S206814	B237652 Second Appellate District, Div. 5	IN RE R.C.
Petition for review denied		
S206816	F062414 Fifth Appellate District	PEOPLE v. CARDENAS (DANIEL ARTURO)
Petition for review denied		
S206822	D061071 Fourth Appellate District, Div. 1	IN RE JOSE M.
Petition for review denied		
S206825	G045819 Fourth Appellate District, Div. 3	PEOPLE v. SANTOS (MARCUS RAMON)
Petition for review denied		

S206829	B240022 Second Appellate District, Div. 4	PEOPLE v. BROWN (DANIEL A.)
Petition for review denied		
S206831	B231522 Second Appellate District, Div. 2	PEOPLE v. COAKLEY (JAHSHA)
Petition for review denied		
S206835	B244526 Second Appellate District, Div. 5	SHABAZZ (LENNAL K.) ON H.C.
Petition for review denied		
S206836	B234360 Second Appellate District, Div. 5	PEOPLE v. PLEASANT (AARION)
Petition for review denied		
S206838	F063262 Fifth Appellate District	PEOPLE v. McCLELLAN (GREGORY)
Petition for review denied		
S206839	B234997 Second Appellate District, Div. 8	PEOPLE v. DUENAS (ROBERT)
Petition for review denied		
S206841	A132353 First Appellate District, Div. 5	PEOPLE v. NAVARETTE (LORENZO PRADO)
Petitions for review denied		
S206845	C066990 Third Appellate District	PEOPLE v. SIAVII (POE BLUE)
Petition for review denied		

S206846 E054449 Fourth Appellate District, Div. 2

Petition for review denied
Kennard, J., was recused and did not participate.

WILCOX (CHRIS) v. TARGET CORPORATION

S206849 B237767 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. COTA
(RAYMUNDO MENDEZ)**

S206851 A130868 First Appellate District, Div. 2

Petition for review denied

PEOPLE v. TIBBITTS (JERRY WAYNE)

S206853 B244105 Second Appellate District, Div. 1

Petition for review denied

**KRENWINKEL (PATRICIA)
ON H.C.**

S206854 A137003 First Appellate District, Div. 1

Petition for review denied

**KABEDE (WONDIYRAD) ON
H.C.**

S206859 E054032 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CONWRIGHT
(REGINALD)**

S206862 E053116 Fourth Appellate District, Div. 2

Petitions for review denied

PEOPLE v. MENDEZ (JOSE FRANCISCO)

S206865 E055134 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. POWERS
(MARVELL S.)**

S206866 B236614 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. WISHUM, JR.,
(MELVIN)**

S206868 E053640 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. JAMES (STEVEN
WALTER)**

S206877 D060910 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. WOODS (DAVID
BRADLEY)**

S206878 C068986 Third Appellate District

Petition for review denied

**PEOPLE v. ALEXANDER
(DARRYL KEITH)**

S206879 E054010 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. SANDOVAL
(REYMOND JAVIER)**

S206880 B234220 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CORONA
(MICHELLE R.)**

S206881 C069760 Third Appellate District

Petition for review denied

**PEOPLE v. RIDDLE
(JACQUELINE MARIE)**

S206889 A132294 First Appellate District, Div. 1

Petition for review denied

**RAHBAR (GELAREH) v.
BATOON (JENNIFER)**

S206891 E054445 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. DELGADO
(FRANCISCO VELASQUEZ)**

S206894 F062504 Fifth Appellate District

Petition for review denied

**GARCIA (MARIA) v. ARIAS
LATINO MARKET, INC.**

S206913 C068929 Third Appellate District

Petition for review denied

**PEOPLE v. MARTINEZ
(IGNACIO)**

S206914 H036899 Sixth Appellate District

Petition for review denied

**JAMEISON (DONNELL) ON
H.C.**

S206920 C068212 Third Appellate District

Petition for review denied

**PEOPLE v. PHANTHA
(THONE)**

S206921 D058545 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. MEDINA, JR.,
(MANUEL)**

S206941 G046005 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. RODRIGUEZ
(ROBERT VINCENT)**

S206942 G045894 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. CARDENAS
(MIGUEL ANGEL)**

S206954 F063256 Fifth Appellate District

Petition for review denied

**PEOPLE v. GONZALES
(RALPH)**

S206961 C069682 Third Appellate District

Petition for review denied

**PEOPLE v. SANTOYO
(SALVADOR AGUILAR)**

S206965 E054253 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. MISOUK
(SANCHENGLEE)**

S206970 C070805 Third Appellate District

Petition for review denied

GRISSO (JAMES) ON H.C.

S206974 B237315 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. VENABLE
(MAURICE LEON)**

S206976 E053620 Fourth Appellate District, Div. 2

Petition for review denied

**HANSEN CONSTRUCTION,
INC. v. MEADOWCREEK
MUTUAL WATER
COMPANY, INC.**

S206977 D060725 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. GRAJEDA, JR.,
(TOMAS)**

S206979 C067323 Third Appellate District

Petition for review denied

**PEOPLE v. BARRIE
(MARCUS)**

S206980 C068997 Third Appellate District

Petition for review denied

**PEOPLE v. BRONK
(GEORGE SAMUEL)**

S206981 C066795 Third Appellate District

Petition for review denied

**PEOPLE v. WILLIAMS
(JAMES ROBERT)**

S206984

Petition for writ of mandate/prohibition denied

**DUCKSWORTH (DEMETRIS)
v. SUPREME COURT**

S207001 H037871 Sixth Appellate District

Petition for review denied

Baxter and Chin, JJ., are of the opinion the petition should be granted.

**PEOPLE v. BRANDAO
(ANTONIO)**

S207005 G045550 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. MONTIJO
(GILBERT)**

S207009 F066035 Fifth Appellate District

Petition for review denied

VALENCIA (ABEL) ON H.C.

S207010 B233073 Second Appellate District, Div. 2

Petition for review denied

PEOPLE v. CHAVEZ (HUGO)

S207013 G047417 Fourth Appellate District, Div. 3

Petition for review denied

**MONTIJO (GILBERT) ON
H.C.**

S207019 H038322 Sixth Appellate District

Petition for review denied

IN RE D.M.

S207027 F066042 Fifth Appellate District

Petition for review denied

**ROMAN CATHOLIC BISHOP
OF STOCKTON v. S.C. (DOE)**

S207030 B232920 Second Appellate District, Div. 5

Petition for review denied

**YOST (DAVID) v.
CALIFORNIA PUBLIC
EMPLOYEES' RETIREMENT
SYSTEM**

S207104

Petition for writ of mandate/prohibition denied

**COLEMAN (RAHSAAN) v.
COURT OF APPEAL, FIRST
APPELLATE DISTRICT,
DIVISION ONE (PEOPLE)**

S207409 A136807 First Appellate District, Div. 4

Petition for review & application for stay denied

**FLADSETH (DOUGLAS C.) v.
S.C. (CHRISTIANSEN)**

S207521 B240706 Second Appellate District, Div. 6

Petition for review & application for stay denied

**BOY SCOUTS OF AMERICA
v. S.C. (ROE 1)**

S204017

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**VOIGHT (ERNEST
LEONARD) ON H.C.**

S204189

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Lindley* (1947) 29 Cal.2d 709, 723; *In re Miller* (1941) 17 Cal.2d 734, 735.)

VALDEZ (RUBEN) ON H.C.

S204193

Petition for writ of habeas corpus denied

KHUN (KHETH) ON H.C.

S204464

Petition for writ of habeas corpus denied

**BREWER (CURTIS
ANDREW) ON H.C.**

S204542

Petition for writ of habeas corpus denied

LUA (HUGO) ON H.C.**S204553**

Petition for writ of habeas corpus denied

MABBS (JAMES T.) ON H.C.**S204556**

Petition for writ of habeas corpus denied

LIU (JEN) ON H.C.**S204798**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

McCLENDON (ANDRE) ON H.C.**S204834**

Petition for writ of habeas corpus denied

HARDING (EDWARD) ON H.C.**S204954**

Petition for writ of habeas corpus denied

NGUYEN (THANH) ON H.C.**S205380**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Swain* (1949) 34 Cal.2d 300, 304.)

MADRIGAL (PEDRO) ON H.C.**S205434**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926; *In re Swain* (1949) 34 Cal.2d 300, 304.)

WINDHAM (CHARLES) ON H.C.**S205776**

Petition for writ of habeas corpus denied

PEREZ (KELVIN ANTHONY) ON H.C.

S205796

Petition for writ of habeas corpus denied

**MONROY (FRANCISCO
JAVIER) ON H.C.****S205806**

Petition for writ of habeas corpus denied

**MARTINEZ (PAUL J.) ON
H.C.****S205857**

Petition for writ of habeas corpus denied

LOPEZ (PAUL) ON H.C.**S206019**

The petition for writ of habeas corpus is denied on the merits. (See *Harrington v. Richter* (2011) 562 U.S. __ [131 S.Ct. 770, 785], citing *Ylst v. Nunnemaker* (1991) 501 U.S. 797, 803.)

**MISSOURI (JERMAINE) ON
H.C.****S206071**

Petition for writ of habeas corpus denied

JUAREZ (ALEX) ON H.C.**S206075**

Petition for writ of habeas corpus denied

CHHUM (KOMAR) ON H.C.**S206102**

Petition for writ of habeas corpus denied

PRICE (CARL ERIC) ON H.C.**S206136**

Petition for writ of habeas corpus denied

**VICHITVONGSA (KET) ON
H.C.****S206155**

Petition for writ of habeas corpus denied

MADERO (VICTOR) ON H.C.**S206156**

Petition for writ of habeas corpus denied

SANDERS (JOEL) ON H.C.

S206160**CRUZ (ROBERTO) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S206161**CASTRO (DANIEL) ON H.C.**

Petition for writ of habeas corpus denied

S206192**PETERSON (RONALD
KEMONI) ON H.C.**

Petition for writ of habeas corpus denied

S206199**MACIAS (JESUS) ON H.C.**

Petition for writ of habeas corpus denied

S206204**AL KHAFAJI (HAYDAR T.)
ON H.C.**

Petition for writ of habeas corpus denied

S206206**GONZALEZ (RUPERTO
CORTEZ) ON H.C.**

Petition for writ of habeas corpus denied

S206227**WALLER (GREGORY) ON
H.C.**

The petition for writ of habeas corpus is denied on the merits. (See *Harrington v. Richter* (2011) 562 U.S. ___ [131 S.Ct. 770, 785], citing *Ylst v. Nunnemaker* (1991) 501 U.S. 797, 803.)

S206241**DIXON (BENNIE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S206242**SANCHEZ (FRANCISCO J.)
ON H.C.**

Petition for writ of habeas corpus denied

S206245**INFINITY ON H.C.**

Petition for writ of habeas corpus denied

S206251**OLIVEREZ (PAMELA
ROWLEY) ON H.C.**

Petition for writ of habeas corpus denied

S206258**AMES (JOHNNY) ON H.C.**

Petition for writ of habeas corpus denied

S206259**McGAREY (JACK) ON H.C.**

Petition for writ of habeas corpus denied

S206261**POWELL (KEVIN JEROME)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S206262**OROZCO (HECTOR) ON H.C.**

Petition for writ of habeas corpus denied

S206272**CONTRERAS (GONZALO)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S206277**KING (DAVID J.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S206292**VARNADO (DAMION D.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S206299**CABRERA (SERGIO JOSE)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921, 925-926; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S206308**ROBINSON (MICHAEL
CHRISTOPHER) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S206318**BRANCH (DERRICK
CHARLES) ON H.C.**

Petition for writ of habeas corpus denied

S206322**HAMILTONHAUSEY
(JERRY) ON H.C.**

Petition for writ of habeas corpus denied

S206337**ORTEGA (KANDICE NOEL)
ON H.C.**

Petition for writ of habeas corpus denied

S206340**ESPINOZA (EZEQUIEL
BOJORQUEZ) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S206341**JAUREGUI (ANGEL) ON H.C.**

Petition for writ of habeas corpus denied

S206344**QUIMIRO (RICARDO) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

S206346**SANTOS (ROCKYBOY) ON
H.C.**

Petition for writ of habeas corpus denied

S206349**TRUJILLO (PEDRO) ON H.C.**

Petition for writ of habeas corpus denied

S206351**TAYLOR (DURIAS L'MAR)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S206352**MEYER (RALPH TALBERT)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S206356**FAATILIGA (TAE LIENIU)
ON H.C.**

Petition for writ of habeas corpus denied

S206367**DEARMAN (JOE EDWARD)
ON H.C.**

Petition for writ of habeas corpus denied

S206369**GUTIERREZ (UBALDO MIO)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S206378**ROSSIER (JAZMIN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S206393**WHITTLE (DAVID AARON)
ON H.C.**

Petition for writ of habeas corpus denied

S206397**JANSEN (MICHAEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925.)

S206404**DANIELS (JEFFREY M.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S206416**SECREST (CALVIN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S206419**PICCOLO (JONATHAN) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S206447**HAIRSTON (JOHNNIE) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

S206496**RHODES (ANDRE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

S206554**JIMENEZ (RICHARD) ON
H.C.**

Petition for writ of habeas corpus denied

S206561**BROUSSARD (DARRICK) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Lindley* (1947) 29 Cal.2d 709, 723.)

S206574**KASTIS (DIMITRIOS) ON
H.C.**

Petition for writ of habeas corpus denied

S206627**THOMAS (TOMMY
EUGENE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Villa* (2009) 45 Cal.4th 1063; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S206654**CIOTTA (STEVEN) ON H.C.**

Petition for writ of habeas corpus denied

S206659**FULLER (KENNETH
ADRIAN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Lindley* (1947) 29 Cal.2d 709, 723.)

S206664**BROWN (LEVAR) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

S206795**BRADLEY, JR., (CALVIN) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S206823**ZAPATA (JOSE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S206826**ZAPATA (JOSE) ON H.C.**

Petition for writ of habeas corpus denied

S206930**CRUZ (LUIS ARMANDO) ON H.C.**

Petition for writ of habeas corpus denied

S207067**JUDGE (LARRY LOUIS) ON H.C.**

Petition for writ of habeas corpus denied

S207069**DURANT (TOMMY) ON H.C.**

Petition for writ of habeas corpus denied

S207246**CIOTTA (STEVEN) ON H.C.**

The petition for writ of habeas corpus and request for stay are denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S207525**CHEIN (EDMUND) ON H.C.**

Petition for writ of habeas corpus & application for stay denied

S207159**BROWN ON REINSTATEMENT**

Order: (dispositive)

Upon recommendation of the State Bar Court, the court orders that EVE JOY BROWN be reinstated as a member of the State Bar of California upon her paying the fees and taking the oath required by law.

S206236 D057955/D058958 Fourth Appellate District, Div. 1 **MULDROW (TYRONE) v. SURREX SOLUTIONS CORPORATION**

Depublication request denied (case closed)

S206464 A133044 First Appellate District, Div. 3 **PENG (VIVIEN) v. HONG SANG MARKET, INC.**

Publication request denied (case closed)

S206788 C067169 Third Appellate District **DUTRA (MICHELLE) v. MERCY MEDICAL CENTER MT. SHASTA**

Depublication request denied (case closed)

The request for an order directing depublication of the opinion in the above-entitled appeal is denied.

The court declines to review this matter on its own motion. The matter is now final.

S026634 **PEOPLE v. WATKINS (PAUL SODOA)**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to March 15, 2013, or the date upon which rehearing is either granted or denied, whichever occurs first.

S080056 **PEOPLE v. BELL (MICHAEL LEON)**

Record augmentation granted

Appellant Michael Leon Bell's "Confidential Application for Augmentation of the Record on Appeal to Include Missing Document Filed Pursuant to Penal Code Section 987.9," lodged conditionally under seal on September 27, 2012, is granted. (Cal. Rules of Ct., rule 8.155(a)(1)(A).) The record on appeal is augmented to include the "Supplemental Declaration in Support of Request for Jury Consultant," dated May 18, 1998, attached as an appendix to the application. The Clerk is directed to file under seal both the confidential application and the supplemental declaration.

In his briefing, appellant may refer to and cite the "Supplemental Declaration in Support of Request for Jury Consultant," dated May 18, 1998, and other sealed Penal Code section 987.9 materials. The materials remain under seal and their use is limited solely to proceedings in state or federal court arising from appellant's conviction and judgment of death.

Counsel is advised that the California Rules of Court contemplate that, if necessary to preserve

confidentiality, a motion to augment the record to include a sealed or confidential document should be filed in a public redacted version and lodged in an unredacted version conditionally under seal (i.e., placed in a sealed envelope, with a cover sheet that labels the contents as “conditionally under seal”). (Cal. Rules of Ct., rules 8.46(e)(4), 8.155(a).) The rules do not require a separate motion or application to file the unredacted version under seal.

S080056**PEOPLE v. BELL (MICHAEL LEON)**

Record augmentation granted in part/denied in part

Appellant Michael Leon Bell’s “Application for Augmentation of the Record on Appeal,” filed on September 27, 2012, is granted in part and denied in part, as follows:

- 1) The Clerk is directed to augment the record with Appellant’s “Motion to Withdraw Plea/Vacate Judgment” and related attachments, and the “People’s Opposition to Defendant’s Motion to Withdraw Guilty Plea,” attached as exhibits 1 and 2 to the application. (Cal. Rules of Ct., rule 8.155(a)(2).)
- 2) Appellant’s request to augment and/or settle the record with respect to the exhibits to the “Affidavit in Support of Application for Probable Cause Warrant of Arrest” signed by Lance W. Olson, Turlock Police Detective, on May 2, 1997, is denied. (Cal. Rules of Ct., rules 8.155(a), 8.155(c)(2).)

S206754**ACCUSATION OF RAY III**

Petition denied (accusation)

S206872**ACCUSATION OF LARSON**

Petition denied (accusation)

S206902**ACCUSATION OF MURPHY**

Petition denied (accusation)

S205798**PETRANOVICH ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation with charges pending of MILO PETRANOVICH, State Bar Number 73571, as a member of the State Bar of California is accepted. If MILO PETRANOVICH subsequently seeks reinstatement, the State Bar may consider all disciplinary charges that are currently pending against him.

MILO PETRANOVICH must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days,

respectively, after the effective date of this order. Failure to do so may be considered in any future reinstatement proceeding.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

C072466

Third Appellate District

**TURLOCK CITY TOW
SERVICES v. WORKERS'
COMPENSATION APPEALS
BOARD**

The above-entitled matter, now pending in the Court of Appeal, Third Appellate District is transferred to the Court of Appeal, Fifth Appellate District.

1026725-12

The HONORABLE NORA M. MANELLA, Associate Justice of the Court of Appeal, Second Appellate District, Division Four , is hereby assigned to assist the Supreme Court, as a justice thereof, on December 31, 2012, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

